BEFORE THE APPEALS BOARD FOR THE KANSAS DIVISION OF WORKERS COMPENSATION

ROBERT D. CATT Claimant)
VS.)) Dookst No. 190 250
RED LINE, INC.) Docket No. 189,259
Respondent AND	
WAUSAU INSURANCE COMPANIES Insurance Carrier	

ORDER

Respondent appeals from a Preliminary Hearing Order of March 27, 1995 wherein Administrative Law Judge Floyd V. Palmer granted claimant benefits including ongoing medical with Dr. Sharon McKinney, and ordered temporary total disability compensation to be paid by respondent until claimant reaches maximum medical improvement, is released to a regular job or returned to gainful employment, whichever occurs first.

ISSUES

Whether the Administrative Law Judge exceeded his jurisdiction in granting claimant ongoing medical care with Dr. Sharon McKinney without allowing respondent to designate a list of three (3) doctors from which claimant could choose his ongoing authorized treating physician.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

Based upon the evidence presented and for the purpose of preliminary hearing, the Appeals Board finds as follows:

- K.S.A. 44-534a grants the parties the right to appeal from preliminary hearing findings when any of the following issues are in dispute:
 - (a) Whether the employee suffered an accidental injury;
 - (b) Whether the injury arose out of and in the course of the employee's employment;
 - (c) Whether notice is given or claim timely made; or
 - (d) Whether certain defenses apply.

K.S.A. 44-551(b) provides that the Appeals Board shall not review a pending Preliminary Hearing Order entered by the Administrative Law Judge unless it is alleged the Administrative Law Judge exceeded his or her jurisdiction in granting or denying the relief requested.

K.S.A. 44-534a(a)(2) grants the Administrative Law Judge the authority to make findings in granting or denying temporary total disability compensation and ongoing medical treatment.

The decision by the Administrative Law Judge in ordering claimant to be paid temporary total disability and allowing Dr. Sharon McKinney to continue as claimant's authorized treating physician are orders permitted by K.S.A. 44-534a to be decided by the Administrative Law Judge. As such, the Appeals Board finds no authority for this matter to be appealed either pursuant to K.S.A. 44-534a or K.S.A. 44-551 and the Appeals Board does not have the jurisdiction to review this matter.

WHEREFORE, it is the finding, decision, and order of the Appeals Board that the Order of Administrative Law Judge Floyd V. Palmer dated March 27, 1995, remains in full force and effect.

Dated this day of	July, 1995.	
	BOARD MEMBER	
	BOARD MEMBER	
	BOARD MEMBER	

c: John J. Bryan, Topeka, Kansas John H. Thompson, Kansas City, Missouri Floyd V. Palmer, Administrative Law Judge George Gomez, Director

IT IS SO ORDERED.